

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

BECKY WISE and JAY WISE, as
Surviving Parents of LILY WISE,

Plaintiffs,

v.

STEVEN SPIVEY, M.D.; VALERIE
SMITH, CNM; HARBIN CLINIC,
LLC;

Defendants.

Civil Action File No.
4:20-cv-00191-SEG

JURY TRIAL REQUESTED

CONSENT STIPULATION OF DISMISSAL

Plaintiffs, pursuant to Federal Rule of Civil Procedure 41, file this consent stipulation of dismissal of all claims against Defendant Steven Spivey, M.D. All parties who have appeared consent to this dismissal.

Valerie Smith, CNM, and Harbin Clinic (only to the extent Harbin Clinic is vicariously liable for the negligence of Defendant Smith) remain Defendants.¹

¹ The parties agree that by joining this stipulation, Defendants Smith and Harbin Clinic do not waive and expressly reserve their right to argue that provisions of O.C.G.A. § 51-12-33 (the “Apportionment Statute”) should apply to this case. Plaintiffs contend that the Apportionment Statute is inapplicable. Plaintiffs and Defendants anticipate briefing this issue and will request a hearing with the Court to seek a ruling on this issue before trial.

This 27th day of November 2023.

Respectfully submitted,

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STEVEN SPIVEY, M.D.; VALERIE
SMITH, CNM; HARBIN CLINIC,
LLC; REBECCA EVANS, CNM; and
CARTERSVILLE OB/GYN
ASSOCIATES, P.C.;

Defendants.

CERTIFICATE OF SERVICE

Counsel for Plaintiffs hereby certifies that the undersigned has this day served
CONSENT STIPULATION OF DISMISSAL upon all parties of record via electronic
filing and electronic mail as follows

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This 27th day of November 2023.

Respectfully submitted,

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